

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION**

**ERIK CARRASCO,**

**Plaintiff**

**v.**

**TERRY HENKELL,**

**Defendant**

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**CA No. 7:21-cv-190**

**DEFENDANT'S NOTICE OF APPEAL**

Notice is given that Terry Henkell, Defendant in the above entitled and numbered cause, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Order entered in this action on May 17, 2022 [Dkt. 17], granting in part and denying in part Defendant's Motion to Dismiss Plaintiff's Original Complaint and overruling in part Defendant's objections to the Report and Recommendation of United States Magistrate Judge Ronald C. Griffin. [Dkts. 11, 15, 16]. Specifically, Defendant appeals from those portions of the Order that deny Defendant's assertion of qualified immunity from Plaintiff's claims. A district court's order denying an assertion of qualified immunity is considered a "final decision" that can be immediately appealed and over which the United States Courts of Appeals have jurisdiction pursuant to 28 U.S.C. 1291. *Mitchell v. Forsyth*, 472 U.S. 511, 524-29 (1985); *Carty v. Rodriguez*, 211 Fed. App'x 292, 293 (5th Cir. 2006). Additionally, the filing of this appeal stays any further proceedings during the pendency of the appeal. *Carty*, 211 Fed. App'x at 293.

Respectfully submitted,

/s/ Thomas P. Brandt

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**ATTORNEYS FOR DEFENDANT**

**TERRY HENKELL**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been delivered to all parties of record, in compliance with the Court's ECF/CM system and/or Rule 5 of the Federal Rules of Civil Procedure, on the 27<sup>th</sup> day of May, 2022.

/s/ Laura O'Leary

**LAURA O'LEARY**